



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY DISTRICT COURT
STATE OF OKLAHOMA

FILED

PATRICK GRIFFITH

DEC 29 2021

Petitioner,

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

-vs-

CV-2021-02128
Case No. CJ-2021

JOSIE CACKLER and SHELBY CATES,

DOUG DRUMMOND

And

LINCOLN FINANCIAL GROUP a/k/a
THE LINCOLN NATIONAL LIFE INSURANCE
COMPANY,

Respondents

PETITION FOR DECLARATORY JUDGMENT

COMES NOW the Petitioner, Patrick Griffith, hereinafter "Griffith" and pursuant to OKLA. STAT. Tit. 12 § 1651 and for his cause of action against the Respondents, Josie Cackler, hereinafter "Cackler", and Shelby Cates, hereinafter "Cates", and Lincoln Financial Group, hereinafter "Lincoln", alleges and states as follows:

1. Upon information and belief, the Respondents, Cackler and Cates, are residents of Tulsa County, State of Oklahoma.

Further, Respondents, Cackler and Cates, have filed a Petition to be appointed Special Administrators of the Estate of Amber Brasier, hereinafter "Brasier" and as such have submitted to the jurisdiction and venue of Tulsa County State of Oklahoma. That the other transactions, acts and occurrences that give rise to this cause occurred in Tulsa County, State of Oklahoma. Accordingly, jurisdiction and venue are proper in this County and State.

Exhibit 2

2. Lincoln is a Nebraska corporation, which does business in Tulsa, Tulsa County, State of Oklahoma.

3. Pursuant to OKLA. STAT. Tit. 12 § 1651 et seq. Mr. Griffith requests that this Court declare the rights and obligations of the parties with respect to that certain \$150,000.00 life insurance contract/policy life insurance policy written by Lincoln insurance Co./Financial Group Policy No. GL 00040000010000-18471 which was issued to Amber Brasier (Ms. Brasier) (hereinafter the Policy).

THE PARTIES

1. Mr. Griffith is a resident of Colorado and the designated beneficiary of the Policy.

2. Shelby Cates "Cates" claims rights under the policy by a legally and factually defective claim.

3. Josie Cackler "Cackler" claims rights under the policy by a legally and factually defective claim.

4. Lincoln conducts business in Tulsa County, Oklahoma and sold and issued the Policy to Brasier in Tulsa, Oklahoma.

5. Griffith seeks affirmative relief and thereby submits to this court's jurisdiction over his person.

6. Griffith was married to Brasier, now deceased and is her surviving spouse. Lincoln sold the Policy to Brasier in Tulsa, Oklahoma during her marriage to Griffith.

7. This Court has jurisdiction over the person of Lincoln and of Cates and Cackler under *International Shoe v. State of Washington* 326 U.S. 310 (1945).

8. This Court has subject matter jurisdiction pursuant to OKLA. Stat tit. 12 Sec. 1651, et seq.

VENUE

Venue is properly situated in Tulsa County, Oklahoma pursuant to O.S. tit. 12 Sec. 133 and 137.

THE JUSTICIABLE CONTROVERSY

1. Griffith and Brasier were married at the time that Brasier purchased the Policy. This life insurance policy is subject to the protections of The Employment Retirement Security Act of 1974 herein ERISA.

2. Brasier passed from this life July 9, 2021, married to Griffith.

3. Griffith is entitled to the protections afforded by ERISA.

4. Griffith has submitted a claim on this Policy to Lincoln Life for the death benefit payable under the terms of the policy.

5. Lincoln has refused to pay the benefits of the policy to Griffith due to the wrongful claim of Cates and Cackler. See Ex. A.

6. Further, while the parties were married at the time of Brasier's death a divorce proceeding was open in Colorado.

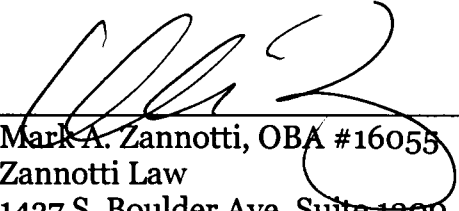
7. Pursuant to Colorado Law an automatic temporary injunction went into effect upon the filing of the petition for dissolution. That this automatic temporary injunction prohibits either party from changing beneficiaries on life insurance policies among other things.

8. A justiciable controversy exists between the parties.

9. Upon adjudication, this Court should declare Griffith entitled to the Policy's death benefits.

10. During the pendency of this action Lincoln should be required to interplead the policy benefits into this Court.

WHEREFORE, premises considered, Petitioner respectfully request that this Court declare Griffith as the party entitled to the death benefits of the Policy and direct Lincoln to pay the benefit to him.

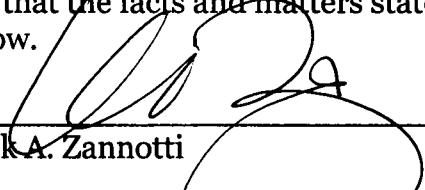


Mark A. Zannotti, OBA #16055
Zannotti Law
1437 S. Boulder Ave. Suite 1200
Tulsa, Oklahoma 74119
(918) 986-6141
ATTORNEY FOR PETITIONER

RULE 4c VERIFICATION


STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

The undersigned, of lawful age and after being duly sworn upon his oath, deposes and states, pursuant to Rule 4c of the Rules of the District Courts of Oklahoma, that he is the attorney for Patrick Griffith and that the facts and matters stated herein are consistent with what the proof will show.



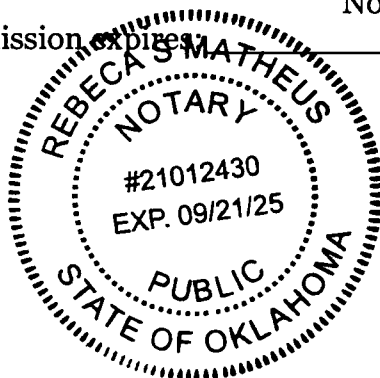
Mark A. Zannotti

SUBSCRIBED AND SWORN to before me this 29 day of Dec., 2021.



Notary Public

My commission expires _____





August 27, 2021

The Lincoln National Life
Insurance Company
Service Office:
8801 Indian Hills Drive
Omaha, NE 68114-4066
toll free (800) 423-2785
www.LFG.com

PATRICK GRIFFITH
6847 POPPY CT
AURADO CO 80007

RE: PolicyHolder: Hr Outsourcing Holdings, Llc
Policy Number: 000400001000-18471
Claim Number: 1073021-1268890
Claimant: Amber L Brasier

Dear Patrick Griffith:

We have received the above referenced claim for Amber L Brasier. Please accept our sincere sympathy for the loss of your spouse. At this time, the claim has been placed into a pending status for additional information.

Before benefits can be considered, the following information must be forwarded to our office within the next 30 days:

- Copy of the certified death certificate showing the final cause and manner of death

The payable benefit is being disputed between Patrick Griffith vs Shelby Cates and Josie Cackler. You have 30 days to come to a settlement agreement between the 3 involved parties. If no settlement can be agreed on, it will be turned over to the courts for interpleader.

Please forward all of the documentation requested above within the next 30 days.

If you would like to fax or email this information, please fax it to 1-800-462-4660 or email it to LifeClaims@LFG.com. Once all of the requested information has been received, we will continue our review of Amber L Brasier's claim.

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If you should have any questions regarding this matter, please contact our office at 1-800-423-2765.

Sincerely,

Meghan Jager
Claims Examiner II, Group Claims
The Lincoln National Life Insurance Company

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